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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Situation of human rights in East Timor

Note by the secretariat

1. The Commission on Human Rights at its fourth special session adopted, on 27 September 1999, resolution S-4/1, entitled "Situation of human rights in East Timor", which stated that the report of the United Nations High Commissioner for Human Rights following her visit to Darwin and Jakarta (E/CN.4/S-4/CRP.1) would be issued subsequently as a document of the fifty-sixth session of the Commission.

2. That report is annexed to the present note.

Annex

Report of the High Commissioner for Human Rights on the situation of human rights in East Timor submitted to the Commission on Human Rights at its fourth special session

I. INTRODUCTION

1. The Commission on Human Rights has been seized with the situation of human rights in East Timor for a number of years. At its fifty-fifth session, the Commission had before it a report of the Secretary-General on the situation (E/CN.4/1999/28). By a statement of its Chairperson, delivered on 23 April 1999, the Commission on Human Rights expressed its deep concern at the serious human rights situation and at the outbreaks of violence in East Timor.

2. On the basis of a set of agreements of 5 May 1999, signed by the Governments of Indonesia and Portugal and by the United Nations Secretary-General, the population of East Timor participated in a popular consultation on the future of the territory on 30 August 1999. The agreements stressed that the responsibility for ensuring a secure environment devoid of violence or other forms of intimidation would rest with the appropriate Indonesian security authorities. Further, the agreements underscored that the absolute neutrality of the TNI (Indonesian Armed Forces) and the Indonesian Police would be essential. On 11 June 1999, the United Nations Mission in East Timor (UNAMET) was established and proceeded to organize and conduct the popular consultation. In spite of several incidents, in particular violence and threats at the time of registration of voters, the preparations prior to the consultations, as well as the voting itself, proceeded satisfactorily.

3. In announcing the results of the ballot, in which over 78 per cent of voters opted for an independent East Timor, the Secretary-General asked all parties to bring an end to the violence which, for 24 years, had caused untold suffering to East Timor and to begin in earnest a process of dialogue and reconciliation through the East Timor Consultative Commission. Regrettably, this call was not followed and violence by different militia groups, in which elements of the security forces were also involved, targeting those who supported the independence of East Timor, as well as United Nations and other international staff, led to grave human rights violations. Thousands of East Timorese were expelled or fled from the territory. Many were killed. Property was destroyed.

4. It has become a widely accepted principle of contemporary international law and practice that wherever human rights are being grossly violated, the international community has a duty to do its utmost, as a matter of the greatest urgency, to help provide protection to those at risk; that the international community should help bring relief and assistance to those in need; that the facts must be gathered with a view to shedding light on what has taken place and with a view to bringing those responsible to justice; and that the perpetrators of gross violations must be made accountable and justice rendered to the victims. The Vienna Declaration and Programme of Action reconfirmed the promotion and protection of human rights as a legitimate concern of the international community.

5. In a number of recent cases of gross violations of human rights and humanitarian law during internal or international armed conflicts, the various institutions of the United Nations and of regional organizations have sought to comply with these responsibilities and to act in concert to respond to the situation. The cases of Angola, Rwanda, the Democratic Republic of the Congo, Kosovo and Sierra Leone provide examples. During the Rwanda crisis, the then High Commissioner rapidly visited the country, called for a special session of the Commission on Human Rights, established an office in Rwanda and reported to the Commission on Human Rights.

6. This year, the High Commissioner has undertaken a number of actions in relation to the situations in Kosovo and Sierra Leone and has reported on them to the Commission on Human Rights. In keeping with this practice, as human rights in East Timor came under grave attack, the High Commissioner, who had sent a personal envoy there in May to assess the human rights situation, issued statements calling upon those concerned to respect fully the human rights of the defenceless civilian population. The High Commissioner consulted the Bureau of the Commission on Human Rights and the Secretary-General of the United Nations and decided to visit the region.

7. The present report presents information available on the human rights situation in East Timor and the results of the High Commissioner's mission.

II. MISSION OF THE HIGH COMMISSIONER TO THE AREA

8. From 10 to 13 September, the High Commissioner visited Darwin, Australia, and Djakarta to assess the situation first hand, to discuss with the authorities involved actions necessary to ensure protection of human rights of civilians, children, women and men, and to gather information that might assist the Commission, the Secretary-General, the Security Council and others in their handling of the situation.

9. In Darwin, the High Commissioner was briefed on the recent human rights developments in East Timor by UNAMET civilian international police advisers (CIVPOL) officers, military liaison officers, evacuated UNAMET international and local staff and their families, and United Nations Volunteers (UNVs).

10. In Djakarta, the High Commissioner met the President of Indonesia, senior government representatives, as well as the Chairman and some members of the Indonesian Human Rights Commission, civil society leaders, and the leader of the East Timor independence movement.

11. At a meeting on 13 August with President B.J. Habibie, the High Commissioner indicated her deep concern at the human rights situation in East Timor, as well as at the numerous reports of collusion between the TNI and the militia. She stressed the need to address the massive abuse of power committed in East Timor, and proposed the establishment of an international commission of inquiry to gather and analyse evidence of crimes committed. The President asked that the national Human Rights Commission explore with the Office of the United Nations High Commissioner for Human Rights the possibility of establishing a commission of inquiry.

12. The High Commissioner also met Mr. Xanana Gusmão and pledged her Office's support for building upon the new East Timor institutions for an inclusive and democratic society committed to human rights.

13. At a meeting with the High Commissioner, members of Indonesian human rights non-governmental organizations (NGOs), who were concerned about the human rights situation in East Timor and had in some cases been involved in protecting those who fled the violence, briefed her on the human rights situation in East Timor and provided accounts of extensive violations that had been committed against the East Timorese population.

III. HUMAN RIGHTS SITUATION IN EAST TIMOR

Breakdown of law and order

14. The first half of September has seen a dramatic increase in human rights violations in East Timor. Since the results of the popular consultation were announced on 3 September 1999 armed members of pro-integration militia have erected roadblocks throughout Dili and controlled the streets. According to reports received from UNAMET, militia members were terrorizing and murdering unarmed civilians; burning houses; displacing large numbers of people; as well as intimidating, threatening and attacking personnel of international organizations.

15. Martial law, declared on 7 September, did not succeed in stabilizing the situation and was also unable to respond adequately to the humanitarian crisis. Despite assurances by Indonesian authorities that UNAMET's security would be a prime objective of martial law, UNAMET staff reported that on 10 September Aitarak militia were allowed freely past TNI and police checkpoints into the environs of the UNAMET compound. UNAMET personnel then observed TNI soldiers assisting the militia in their attempt to loot UNAMET vehicles. When UNAMET military liaison officers came under direct threat and demanded that TNI act to stop the militiamen, the TNI soldiers informed them that they had no orders to shoot the militia.

16. United Nations staff in East Timor have on numerous occasions witnessed militia members perpetrating acts of violence in full view of heavily armed police and military personnel who either stood by and watched or actively assisted the militia. Whilst prior to the ballot the militia were using machetes and home-made guns, it has been reported that after the ballot the militia were armed with AK-47 and M-16 automatic weapons and hand grenades.

17. It was also reported that there was forced recruitment of young East Timorese men into the militia. Parents were threatened and bribed to coerce the young men and the youths were harassed and intimidated into becoming members of the militia.

18. Reports indicate that Dare, which is situated 9 kilometres from Dili, has been under attack by Kopassus elements of the Indonesian Army. It is believed that the Bishop of Bacua, Rev. Basilio do Nascimento, who was injured on 8 September, and many priests and nuns have been among those hiding in the forest in Dare.

Wanton killings

19. Many pro-independence activists and other community leaders, including the clergy, are reported to have been killed in reprisal for their support of the independence option. There are also reports of mass killings at various locations, including in Dili and a camp for displaced persons in the church in Sunai. Reports have been received that pro-integration militia murdered approximately 35 young men travelling on the Dobon Solo ferry from Dili to Kupang on 7 September.

20. Some particular groups appear to have been targeted. Many witnesses reported that at the police headquarters, at the docks, on the boats and at the final destinations, screening processes were undertaken. Militia waited at the gangway of the boats, checking papers and looking into the faces of the displaced. Those suspected of being pro-independence activists were taken away. It has been reported that in Atapupu, the port of Atambua in West Timor, those identified by the militia were tied up in the back of trucks to be taken away, or in some instances killed on the spot. In many cases, eyewitnesses reported that these activities were undertaken in the presence of both Indonesian police and military.

21. There are reports that since the beginning of September, at least 20 displaced persons have been killed by militia elements in the town of Maliana, and that another 15 people have been arbitrarily executed in the town of Holo Ruo. Fifteen Catholic priests and the director of the humanitarian organization Caritas, together with many of his staff, have reportedly been summarily executed in Dili. It is further alleged that in early September, at least 100 East Timorese Catholics were killed in Suai when their church, where they were seeking shelter, was set on fire. Priests and nuns have reportedly now gone into hiding fearing for their lives, after having been threatened and attacked by militia forces. Reports also suggest that militia groups have hunted down and summarily executed an unknown number of independence supporters in camps in West Timor.

22. In the attack at the residence of Nobel Peace Prize laureate Bishop Carlos Belo militiamen reportedly hacked to death some 40 persons in the courtyard while TNI soldiers fired into the Bishop's residence from the street.

23. On 30 August, a UNAMET local staff member was killed in Atsabe. On 1 September, at least two persons were killed while seeking refuge in UNAMET headquarters.

24. On 2 September, in Maliana, militia surrounded UNAMET regional headquarters. Two houses belonging to local staff were burned down and two local staff were killed. UNAMET staff sought refuge inside the local police station.

25. Eyewitnesses report that militia members have entered camps for displaced persons throughout West Timor with lists of names of supporters of independence, and that a number of individuals have been executed in the camps or removed from the camps.

26. Journalists and international humanitarian workers, as well as displaced persons, have reportedly been assaulted at displaced person camps, possibly by militia members.

On 6 September, in Atumbua, a displaced person was reportedly tied up and then repeatedly stabbed until he died, in front of a large number of other displaced persons.

27. On 8 September, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture sent an urgent appeal to the Government of Indonesia following information received concerning attacks by regular and irregular armed elements which had resulted in over 100 individuals being killed.

28. On 13 September, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture again sent an urgent appeal to the Government of Indonesia in connection with information concerning Mau Hodu, a member of the National Council of Timorese Resistance and the Central Committee of the political party Fretlin. Mau Hodu was allegedly arrested on 8 September in Dili by a joint TNI-militia team. His current whereabouts are unknown.

Forcible expulsions

29. There are reports that 120,000 to 200,000 persons have been forcibly displaced - nearly one fourth of the entire population. The displacement of the population often took the form of forcible expulsions. Instances have been reported of people being rounded up and deported. There are indications that forcible displacement was a deliberate and long-planned action. United Nations personnel reported that the building of the infrastructure in West Timor for the reception of thousands of displaced had begun weeks before the ballot took place. Plans for systematic attacks on villages and the displacement of East Timorese were reportedly leaked as early as July. These reports were denied by the authorities.

30. Reportedly, the entire population of Dili has been forcibly displaced or fled to the hills and forests. Persons fleeing East Timor report having been subjected to extreme intimidation and acts of violence.

31. Churches, houses, schools and other premises in Dili, Aileu, Ermera and Maliana, where displaced persons sought shelter, have allegedly been attacked and those inside massively displaced to camps in West Timor. Reports of massive forced displacement of populations to camps in West Timor have also been received from the western part of East Timor. Sources indicate that the militias are now combing the camps for displaced persons with lists looking for students, intellectuals and activists, then taking them away.

32. On 1 September, an estimated 1,500 persons took shelter in the UNAMET compound after being forced to flee from an adjacent school where they had been sheltering. Automatic weapons with tracer bullets were fired over their heads.

33. On 6 September, UNAMET was forced to evacuate all eight of its regional offices and to evacuate a large number of international staff from UNAMET headquarters in Dili. United Nations vehicles carrying evacuees to the airport were fired upon.

34. On 6 September, armed militiamen carried out attacks against the office of the International Committee of the Red Cross (ICRC) in Dili where some 2,000 displaced people had sought refuge. Despite the ICRC's prior appeals for police protection, an armed group attacked the compound. The displaced people who were seeking protection on the premises were panic-stricken and feared for their lives as the militiamen opened fire. Following the attack, the 11 ICRC expatriate staff, along with several expatriates from other humanitarian agencies, were separated from the local people and taken at gunpoint to a police station. The ICRC was obliged to evacuate its expatriate staff to Darwin.

Treatment of women

35. According to reports from Kalyanamitra, women were raped and sexually harassed by militia and Indonesian military in Dili between 7 and 10 September. Sexual violence allegedly also occurred during the forced movement of people to West Timor. Reports have been received that many women were raped by militia on a boat taking displaced persons from Dili to West Timor. Furthermore, information has been received that women are being raped in the camps in West Timor.

36. During her meetings with East Timorese whom she met in Darwin and Djakarta, the High Commissioner heard reports that there were three camps between Suai and Atapupu where young women had been held against their will by the militia and raped repeatedly. This information was also corroborated by a member of the Indonesian Commission for Human Rights.

Enforced and involuntary disappearances

37. OHCHR has received reports of thousands of involuntary or enforced disappearances. For example, the whereabouts of some 2,500 persons who had sought shelter at Bishop Belo's residence and who were marched off at gunpoint by militia and TNI on 6 September are unknown.

38. The Office of the United Nations High Commissioner for Refugees (UNHCR) is alarmed by cases of men being separated from their women and children. Reports speak of families being separated while being forcibly taken to West Timor.

Displaced persons

39. United Nations agencies and foreign missions in Djakarta confirmed that thousands of East Timorese had fled to other parts of Indonesia. Many displaced persons have reportedly been transported by Indonesian military ships and aircraft to a number of locations within Indonesia, including Irian Jaya, Ambon, Sulawesi, Surabaya and Bali, some of which are thousands of kilometres from East Timor. Approximately 100,000 displaced East Timorese are in West Timor and on the islands of Flores and Alor. Some 55,000 are at a makeshift camp in Atambua and 22,000 in Kupang. Government sources also report that 20,000 displaced are on the East Timor side of the border, attempting to flee to the western part of the island. Media reports indicate that the militia are preventing men from leaving East Timor.

40. Those displaced by the violence, both in East Timor and West Timor, now face the threat of malnutrition and disease as domestic and international humanitarian efforts are hampered by militia and military activity which blocks access to camps for displaced persons. They have no access to food, water, urgently needed medicine, shelter, sanitation and human security. Many are barely surviving on roots and leaves. There is no milk for the children. Unless food and water is delivered to these people immediately, the international community will be forced to witness a significant number of unnecessary deaths.

41. Reports continue to be received from East Timorese in the hills and in West Timor of continuing attacks on them by the militia. In West Timor, armed militia are reportedly operating with official support. Many of those displaced into West Timor have reported that their identification documents were confiscated by the militia. In Djakarta alone, United Nations agencies reported that about 700 families were at risk. Many of the family members were pro-independence activists or human rights defenders. At a meeting with the foreign missions and heads of United Nations agencies in Djakarta the High Commissioner urged all those in a position to do so to assist in the protection of these people.

42. The Indonesian military and police have reportedly prevented international aid workers, journalists and observers from visiting camps in West Timor and from interviewing East Timorese.

43. Two UNHCR staff members were injured by an angry crowd of displaced people at an encampment housing thousands of East Timorese near Kupang, West Timor. The UNHCR staff were punched, kicked and had stones thrown at them by opponents of East Timor's independence who had fled to West Timor in the wake of the independence referendum. The UNHCR officials had travelled to West Timor to look at the displacement situation there.

44. On 7 September, four foreign aid workers reportedly sustained injuries after being stoned in the Nolebake camp. On 13 September, two UNHCR staff were also attacked by unidentified assailants at the same location: a man had his throat cut with a machete and his face punched, and a woman was stabbed in the left ribcage. An international aid organization in Kupang is said to have been threatened not to help displaced persons or to give information about the situation in camps to the outside world.

Property

45. In Dili, reliable sources reported that hundreds of houses have been burned, the entire business district completely destroyed and almost all houses emptied of their valuable contents. A similar scenario is believed to have been enacted throughout the western regions although the situation concerning property appears to be less extreme than in the east. On 2 September, the militia rampaged through Maliana all night, burning at least 20 houses. In all cases those involved have acted with impunity and been given protection from the Indonesian police and military.

Media

46. Journalists and observers were reportedly forced at gunpoint by Indonesian police to evacuate their hotels and residences in East Timor and West Timor on 5 and 6 September and driven to the airport. A small number of journalists refused to leave and took refuge at UNAMET headquarters.

IV. CONCLUSION

47. There is overwhelming evidence that East Timor has seen a deliberate, vicious and systematic campaign of gross violations of human rights. The High Commissioner condemns those responsible in the strongest possible terms.

48. The High Commissioner has urged the Indonesian authorities to cooperate in the establishment of an international commission of inquiry into the violations so that those responsible are brought to justice. To end the century and the millennium tolerating impunity for those guilty of these shocking violations would be a betrayal of everything the United Nations stands for regarding the universal promotion and protection of human rights.

49. It is the intention of the High Commissioner to remain in contact with the Indonesian authorities with regard to the establishment of an international commission of inquiry. As has been seen recently in a number of situations, the establishment of international commissions of inquiry into massive violations of human rights and humanitarian law is increasingly becoming standard practice - and even imperative. If needed, the High Commissioner is ready to take the initiative in launching such an international commission.

50. The deployment, in accordance with the Security Council resolution 1264 (1999), of a multinational force to assist in restoring peace and security in East Timor is vital for the protection of the human rights of East Timorese. It will help stop systematic killings, displacement, destruction of property and intimidation carried out by militia groups and elements of the security forces.

51. The Indonesian authorities must facilitate the immediate access of aid agencies to those in need. Secure conditions must be created for the safe exercise of the functions of humanitarian aid workers. Airdrops must be deployed to assist the displaced.

52. The cooperation of the Government of Indonesia with the United Nations is vital to ensure effective protection of human rights for all the people in East Timor during the transition process to the full implementation of the agreements of 5 May 1999.

53. The High Commissioner shall continue to keep the Commission informed of developments in the situation of human rights in East Timor and on efforts to bring the perpetrators of gross violations to justice. Meting out justice is the least that can be done on behalf of the innocent victims of this wanton destruction and of gross violations of their human rights.

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